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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,038	06/30/2000	Tetsuro Yoshioka		1110

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WALKER & SAKO, LLP
300 SOUTH FIRST STREET
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SAN JOSE, CA 95113

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,038

Applicant(s)

YOSHIOKA, TETSURO

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant amendment of 1-28-05 amended claim 11 as well as traversed rejections of Claims 1 - 19.

Currently, claims 1- 19 are pending.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 13 and 15 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittsche (US 6,556,975 B1) in view of Dodd (US 6,633,849 B1).

Regarding claim 1 and related claims 10 and 15, Wittsche teaches a franchise/community system for organizing and establishing a headquarter for business transactions over a network, comprising; at least one headquarter network server; a plurality of franchise/community store servers, each corresponding to a different franchise/community store and connected with the at least one headquarter network server by a network; and a plurality of member servers, each corresponding to a different member to terminal and connected with the at least one headquarter network server by the network; wherein the at least one headquarter network server includes, a merchandise information memory data that include® information for goods sold by the franchise/community stores, a home page creation system that accesses the merchandise

information memory data for merchandise information to create a home page of each franchise/community store, and that a home page data memory system to collect additional home page data for the home page of each franchise/community store, the home page creation system also accessing a franchise/community store identification (m) system, a home page sending service that sends home page data from the home page of each franchise/community store to at least one member/customer service, including information fem. the merchandise information memory data and, an order receiving system that processes orders from the plurality of member terminals through the home pages of each franchise/community store, a received data transfer system that transfers order data received by the order receiving system swan the at least one headquarter network serves to one of the franchise/community servers according to the franchise store ID system, the order data including a buyer name and goods ordered (see at least Abstract, Col 3, lines 54 – 67, Col 4, lines 1 – 3, Col 6, lines 65 – 67, Col 8, lines 1 – 5 and 21 – 41, Col 10, lines 18 – 20 and Figures 1 – 3). Please note that Wittsche does not specifically disclose a franchise system. However, Wittsche does disclose communities. In that regard, it would have been obvious to extend Wittsche with franchise in order to add another description of communities by the use of the word franchise. Thereby, one of ordinary skill would have been motivated to extend Wittsche with franchise and thereby increase the potential additional parties in the community - with the mnemonic of franchisee and increased the potential applications for the system.

Although Wittsche does disclose matching the customer/person orders to appropriate online stores, the reference does not specifically disclose and a teach a franchise store system for

predetermined members and matching a franchise store to a person ordering via a member terminal when the person accesses the franchise system, the franchise store (ID) system matching franchise stores to the person accessing the franchise system based on the uniform resource locator values set up in advance according to predetermined rules.

On the other hand and in the same are of online commerce, Dodd teaches a franchise system franchise store In system matches a franchise store to a person ordering via a member terminal when the person accesses the franchise system, the franchise store II) system matching franchise stores to the person accessing the franchise system based on uniform resource locator values set up in advance according to predetermined rules (see at least Col 5, lines 28 -39). Please note that the current claim 1 recites a member, buyer and person and is not clear if they are the same entity or different, which would makes determining the metes and bounds of the claim extremely difficult. For example, is the buyer the same as the member or the person or the buyer? In this regard, the interpretation taken for the "person" in the claim is a person who is entered a site as an individual as taught by Dodd and the site has restricted access site, which requires a password. Thereby, an individual is matched since the URL contained in the cookie for example of the individual is authenticated and matched by the system.

Please note in claim 10 that the phrase "sold by the plurality of franchise stores, such goods including goods available at a particular franchise store and not available at the particular franchise store but available at a headquarter" and "for members belonging to each franchise store, said member data including at least a

Art Unit: 3625

member identification value, member password, and franchise store code corresponding to the franchise store to which the member belongs " are considered to be non functional descriptive material, since the data is not processed in any way – just stored. The phrase(s) and or word(s) are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from Wittsche. Thereby, the non-fictional descriptive material is directed only to the content of the data and does not affect either the structure or method/process of Wittsche, which leaves the method and system unchanged (see MPEP 2106).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the system of Wittsche with the system of Dodd to have enabled a system franchise system for organizing and establishing a headquarter for business transactions over a network, comprising; at least one headquarter network server; a plurality of franchise store servers, each corresponding to a different franchise store and connected with the at least one headquarter network server by a network; and a plurality of member servers, each corresponding to a different member to terminal and connected with the at least one headquarter network server by the network; wherein the at least one headquarter network server includes, a merchandise information memory data that include information for goods sold by the franchise stores, a home page creation system that accesses the merchandise information memory data for merchandise information to create a home page of each franchise store, and that a home page data memory system to collect

additional home page data for the home page of each franchise store, the home page creation system also accessing a franchise store identification (m) system, a home page sending service that sends home page data for the home page of each franchise store to at least one predetermined member service, including information from the merchandise information memory data, an order receiving system that processes orders from the plurality of member terminals through the home pages of each franchise store, a received data transfer system that transfers order data received by the order receiving system to at least one headquarter network server to one of the franchise servers according to the franchise store system, the order data including a buyer name and goods ordered (See at least Abstract and Figures 1 – 3). Dodd discloses a system a franchise system franchise store in system matches a franchise store to a person ordering via a member terminal when the person accesses the franchise system, the franchise store II) system matching franchise stores to the person accessing the franchise system based on uniform resource locator values set up in advance according to predetermined rules (see at least Col 5, lines 28 - 39). Therefore, one of ordinary skill in the art would have been motivated to extend the system of Wittsche with a system for a franchise system franchise store in system matches a franchise store to a person ordering via a member terminal when the person accesses the franchise system, the franchise store II) system matching franchise stores to the person accessing the franchise system based on uniform resource locator values set up in advance according to predetermined rules. In this manner, the person's password/login information can be stored in the browser cookie so that user's are matched to registered members associated with a franchise only and thereby will establish the correct match/relationship, which will increase security by ensuring that only registered individuals are permitted.

Regarding claim 2, the phrase that "wherein: the merchandise information memory data further includes information for goods not available at one of the franchise stores, but available at the headquarter" is considered to be non-functional descriptive material. The phrase in this claim is considered to be non-functional descriptive material. The phrase(s) and or word(s) are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from Wittsche. Thereby, the non-fictional descriptive material is directed only to the content of the data (i.e. memory data further includes.....information) and does not affect either the structure or method/process of Wittsche, which leaves the method and system unchanged (see MPEP 2106).

Regarding claim 3, Wittsche teaches a franchise system, wherein the network includes the Internet (Figure 1).

Regarding claim 5 and related claims 12, 13 and 18, Dodd teaches a franchise system, wherein the uniform resource locator value includes first portion unique to each store and second portion common to all franchise stores and the headquarters (Col 5, lines 28 - 39). Please note a URL specifies the protocol to be used in accessing the resources, the name of the server on which the resource resides (such as //www.whitehouse.gov), and, *optionally, the path to a resource (such as an HTML document or a file on that server)*. A URL may

uniquely identify a specific file or image on a particular logical or physical server. By definition, a URL/Uniform Resource Locator already includes what applicant refers to as a "*unique compound address*" and a "*subaddress*", i.e., identifier(s) after a domain name that uniquely identify the path to a resource such as a file or document. For example in this case, the subaddress would have been the global address for the headquarter server.

Regarding claim 6, Dodd teaches an online commerce/franchise system, wherein: the at least one headquarter network server further includes a member entry data base that identifies previously accessing members and matches said members to a predetermined franchise store according to said member entry data (see at least Col 5, lines 28 - 39). Please note that Dodd does not specifically disclose a franchise store. However, Dodd does disclose stores. In that regard, it would have been obvious to one of ordinary skill in the art to have extended Dodd with franchise and thereby increase the applications and thereby the potential revenue for the system.

Regarding claims 7, 8 and 9, the recitations that " wherein: the member entry data base includes member entries comprising a member identification (ID) value, a password, a franchise store code, and a terminal identification (ID) code", " wherein: at least a portion of the member ID value includes at least a portion of the store code" and "wherein: at least a portion of the password includes at least a portion of the store" such recitations are given little patentable weight because it imparts no structural or functional specificity which serves to

patentably distinguish the instant invention from the other "identifies" already disclosed by Dodd. Moreover, the phrases words in these claims are considered to be non-functional descriptive material. The phrase(s) and or word(s) are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from Dodd. Thereby, the non-fictional descriptive material is directed only to the content of the data and does not affect either the structure or method/process of Dodd, which leaves the method and system unchanged (MPEP 2106).

Regarding claim 16, Dodd teaches an electronic franchise shopping system, wherein: said member data further includes a terminal (ID) value associated with a remote user terminal (Col 5, lines 28 – 39) and regarding claim 17, wherein: the franchise store identification ID system checks for a terminal ID value for an accessing user, and determines that access is not cite where the franchise store ID system match the ID with that of member data (Col 5, lines 28 - 39).

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wittsche and Dodd as applied to claims 1 and 10 above, and further in view of Anuff (US 6,327,628 B1).

Art Unit: 3625

The combination of Wittsche and Dodd disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach the claim recitations for a sending a guest page.

On the other hand and regarding claim 4 and related claim 11, Anuff teaches a franchise system wherein, the home page service sends a predetermined guest page data when a member server accessing the Franchise system does not match any franchise store (see at least Col 13, lines 39 – 44).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provided the combination of Wittsche and Dodd with the system of Anuff which sends a predetermined guest page data when a member server accessing the Franchise system does not match any franchise store. The combination of Wittsche and Dodd disclose and teach the claim limitations recited in claim 1 and 10. In turn, Anuff discloses a system for wherein, the home page service sends a predetermined guest page data when a member server accessing the Franchise system does not match any franchise store (see at least Col 13, lines 39 – 44). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Wittsche and Dodd with a system wherein, the home page service sends a predetermined guest page data when a member server accessing the Franchise system does not match any franchise store.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of as applied to claim 10 above, and further in view of Spagna (US 6,587,837 B1).

The combination of Wittsche and Dodd substantially teach the applicant's invention.

However, the combination does not specifically disclose and teach an electronic franchise shopping system, wherein: the at least one headquarter network server further includes a clearance system that executes copyright clearance procedures on behalf of a franchise store for good ordered through the web page of the franchise store.

On the other hand and regarding claim 14 (New), Spagna teaches an electronic franchise shopping system, wherein: the at least one headquarter network server further includes a clearance system that executes copyright clearance procedures on behalf of a franchise store for good ordered through the web page of the franchise store (Col 4, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Wittsche and Dodd with the system of Spagna for a electronic franchise shopping system in order that the at least one headquarter network server further includes a clearance system that executes copyright clearance procedures on behalf of a franchise store for good ordered through the web page of the franchise store. The combination

Art Unit: 3625

of Wittsche and Dodd disclose a franchise system that included, servers for member/customers, franchise stores/affiliates and headquarter/central server, which includes merchandise, home page creation/sending system as well as order receiving and processing, plus a franchise store ID system. Spagna discloses a an electronic franchise shopping system, wherein: the at least one headquarter network server further includes a clearance system that executes copyright clearance procedures on behalf of a franchise store for good ordered through the web page of the franchise store (Col 4, lines 26 – 29). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Wittsche and Dodd with a system for an electronic franchise shopping system, wherein: the at least one headquarter network server further includes a clearance system that executes copyright clearance procedures on behalf of a franchise store for good ordered through the web page of the franchise store.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wittsche and Dodd as applied to claim 15 above, and further in view of Alsop (US 5,970,472).

The combination of Wittsche and Dodd substantially disclose and teach the applicant's invention

However, the combination does not specifically disclose and teach an electronic franchise shopping system, wherein: the home page sending system sends a unique home page for

each second type url, each such unique home page including merchandise data for merchandise available at the franchise store, and merchandise not available at the franchise store but available at a headquarters location.

On the other hand and regarding claim 19, Alsop teaches an electronic franchise shopping system, wherein: the home page sending system sends a unique home page for each second type url, each such unique home page including merchandise data for merchandise available at the franchise store, and merchandise not available at the franchise store but available at a headquarters location (Col 10, lines 4 – 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Wittsche and Dodd with the system of Alsop to have enabled a franchise system, wherein: the merchandise information memory data further includes information for goods not available at one of the franchise stores, but available at the headquarter – in order to be able to provide the customer with the desired product. The combination of Wittsche, Dodd and Anuff disclose a franchise system with a headquarter server and a plurality of franchise servers as well as the headquarter server containing memory, a home page creation system with password access as an order receiving system. Alsop discloses franchise system, wherein: the merchandise information memory data further includes information for goods not available at one of the franchise stores, but available at the headquarter (Abstract, Col 10, lines 4 – 10). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Wittsche and Dodd with a system wherein:

Art Unit: 3625

the home page sending system sends a unique home page for each second type url, each such unique home page including merchandise data for merchandise available at the franchise store, and merchandise not available at the franchise store but available at a headquarters location. In this manner, the customer will not leave and shop at another site, which would result in lost business. Moreover, the customer's satisfaction will be increased due to having the desired product availability and not having to continue shopping, which will save them time.

Response to Arguments

Applicant's arguments, filed 1/28/2005, with respect to the rejection(s) of claim(s) 1 – 19 under 35 USC 103(a) have been fully considered and are persuasive with respect to Ross. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wittsche (US 6,629,135 B1) and Anuff (US 6,327,628 B1).

Applicant arguments regarding claim 2 are addressed above at claim 2.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Verticalnet.com webpages captured via the WayBackMachine (archive.org), which are online community requiring access.

Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

IMPORTANT – After April 14, 2005 the new telephone number for Wynn Coggins is 571.272.7159 and the new number for Rob Rhode is 571.272.6761

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

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Art Unit: 3625

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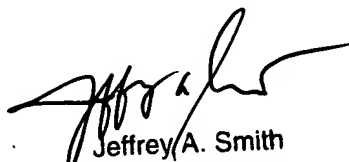
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Jeffrey A. Smith
Primary Examiner